



Entered on Docket
January 16, 2008

A handwritten signature in dark ink, appearing to read "Linda B. Riegle".

Hon. Linda B. Riegle
United States Bankruptcy Judge

LEWIS AND ROCA LLP

3993 Howard Hughes Parkway, Suite 600
Las Vegas, NV 89169-5996
Facsimile (702) 949-8321
Telephone (702) 949-8320

Susan M. Freeman AZ State Bar No. 004199
Email: sfreeman@lrlaw.com
Rob Charles NV State Bar No. 006593
Email: rcharles@lrlaw.com

Attorneys for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE COMPANY,
USA CAPITAL REALTY ADVISORS, LLC,
USA CAPITAL DIVERSIFIED TRUST DEED FUND,
LLC,
USA CAPITAL FIRST TRUST DEED FUND, LLC,
USA SECURITIES, LLC,

Debtors.

Case No. BK-S-06-10725-LBR
Case No. BK-S-06-10726-LBR
Case No. BK-S-06-10727-LBR
Case No. BK-S-06-10728-LBR
Case No. BK-S-06-10729-LBR

CHAPTER 11

Jointly Administered Under Case No. BK-S-06-10725 LBR

Hearing Date: December 20, 2007
Hearing Time: 9:30 a.m.

Affects:

- ☐ All Debtors
- ☒ USA Commercial Mortgage Company
- ☐ USA Capital Realty Advisors, LLC
- ☐ USA Capital Diversified Trust Deed Fund, LLC
- ☐ USA Capital First Trust Deed Fund, LLC
- ☐ USA Securities, LLC

**ORDER POSTPONING HEARING ON MOTION FOR SUMMARY JUDGMENT
TO CLASSIFY CLAIM BY PECOS PROFESSIONAL PARK LIMITED
PARTNERSHIP IN PLAN CLASS A-7**

Pending before the Court is the USACM Liquidating Trust's Motion for Summary Judgment to Classify Claim by Pecos Professional Park Limited Partnership ("Pecos") in Plan Class A-7 (the "Motion") [DE 5122]. That Motion was briefed and came on for hearing before the Court on December 20, 2007. Pecos did not file a response. An Opposition to the Motion was filed on behalf of Dr. Lucius Blanchard [DE 5432]. Dr. Blanchard is a 49 percent limited partner of Pecos and the President of Nevada Skin and Cancer, Lucius Blanchard, M.D., CHTD, a Nevada corporation, which is a one percent general partner of Pecos.

The Court finds that Dr. Blanchard has no standing to oppose the Motion because he does not have a controlling interest in Pecos. Rather than ruling on the motion, however, the Court is inclined to grant Dr. Blanchard an opportunity to obtain authority from the interested party that controls Pecos to assert an opposition to the Motion. Accordingly,

IT IS ORDERED setting a status conference on the Motion for March 25, 2008, to determine whether Dr. Blanchard has obtained the necessary authority to oppose the motion. If necessary, the Court will set a hearing date at that time.

###

PREPARED AND SUBMITTED:

LEWIS AND ROCA LLP


By: /s/ RC (#0006593)


Susan M. Freeman

Rob Charles

Attorneys for USACM Liquidating Trust

1 APPROVED:
2 KEHOE & ASSOCIATES

3 By: 
4 Ty E. Kehoe, Esq.
5 871 Coronado Center Drive, Suite 200
Henderson, NV 89052

6 Approved:
7 OFFICE OF THE U.S. TRUSTEE
8 
9 August B. Landis, Esq.
10 Scott A. Farrow, Esq.
300 Las Vegas Boulevard, Suite 4300
Las Vegas, NV 89101

CERTIFICATION OF COUNSEL PURSUANT TO LOCAL RULE 9021

In accordance with Local Rule 9021, the undersigned certifies:

- ☐ The Court waived the requirements of approval under LR 9021.
- ☐ No parties appeared or filed written objections, and there is no trustee appointed in the case.
- ☐ No opposition was filed to the motion and no other party or counsel appeared at the hearing.
- ☒ I have delivered a copy of this proposed order to all attorneys and unrepresented parties who have appeared at the hearing, and any trustee appointed in the case, and each has approved or disapproved the order, or failed to respond, as indicated below:

August Landis (Approved)
Office of the U.S. Trustee

Ty E. Kehoe (Approved)
Attorney for Pecos Professional Park Limited Partnership

LEWIS AND ROCA LLP

By: /s/ RC (#0006593)
Susan M. Freeman
Rob Charles
Attorneys for USACM Liquidating Trust